

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HOGAN, on behalf of herself and
others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-00996-RSM

STIPULATED MOTION AND
[PROPOSED] ORDER FOR
CONSOLIDATION, FILING OF
CONSOLIDATED AMENDED
COMPLAINT, AND SCHEDULE FOR
ANSWER OR MOTION TO DISMISS

Note on Motion Calendar:
August 30, 2021

ANDREA SEBERSON,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-01009-RSM

STIPULATED MOTION AND
[PROPOSED] ORDER FOR
CONSOLIDATION, FILING OF
CONSOLIDATED AMENDED
COMPLAINT, AND SCHEDULE FOR
ANSWER OR MOTION TO DISMISS

Note on Motion Calendar:
August 30, 2021

1 The parties, by and through their counsel, stipulate and agree as follows:

2 1. The above-captioned proposed class actions ("*Hogan* and *Seberson*") each allege
3 antitrust claims against Amazon.com, Inc., based on alleged overcharges to consumers caused by
4 Amazon allegedly tying a Seller's access to the "Buy Box" on the Amazon website to the Seller's
5 purchase of Amazon's fulfillment services. Plaintiffs in both *Hogan* and *Seberson* ("Plaintiffs")
6 have identified their cases as related to two other proposed class actions pending before the Court,
7 which have since been consolidated into a single case under the caption *De Coster, et al. v.*
8 *Amazon.com, Inc.*, 2:21-cv-693 ("*De Coster*").

9 2. On August 5, 2021, counsel for plaintiffs in *De Coster* filed motions to consolidate
10 *Hogan* and *Seberson* into the *De Coster* Action. See 2:21-cv-00996, Dkt. 12; 2:21-cv-01009, Dkt.
11 4. Plaintiffs in *Hogan* and *Seberson* oppose consolidation with *De Coster*. See 2:21-cv-00996,
12 Dkt. 13; 2:21-cv-01009, Dkt. 5. Amazon has not taken a position on consolidation of *Hogan* and
13 *Seberson* with *De Coster*. Briefing on the *De Coster* consolidation motion has now closed.

14 3. Without regard to the Court's resolution of the pending motion to consolidate
15 *Hogan* and *Seberson* into *De Coster*, Plaintiffs and Amazon (together, the "parties") agree that
16 consolidation of the *Hogan* and *Seberson* Actions is appropriate because the actions involve
17 materially similar allegations. Further, because Amazon intends to file a motion to dismiss the
18 *Hogan* and *Seberson* complaints, the parties have discussed and agreed upon a briefing schedule
19 to govern Amazon's anticipated motion to dismiss

20 4. Based on the foregoing, the parties hereby stipulate and agree as follows:

21 a. If the Court denies the pending motions to consolidate *Hogan* and *Seberson*
22 with *De Coster*, Plaintiffs shall file an amended class action complaint
23 consolidating *Hogan* and *Seberson* within 14 days of entry of the Court's order
24 denying the motions;

25 b. Amazon shall file its motion to dismiss (or answer) within 45 days after
26 Plaintiffs file their consolidated amended class action complaint;
27

c. Plaintiffs' opposition to any motion to dismiss by Amazon shall be due 45 days after the filing of Amazon's motion to dismiss; and

d. Amazon shall have 30 days to file its reply brief on its motion to dismiss.

DATED this 30th day of August, 2021.

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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED this ____ day of _____, 2021.

Honorable Ricardo S. Martinez
United States District Judge